

ethics committees, perhaps one for each strategic health authority, with a limited number of exceptions, would be more appropriate. Their operations would be more intense than at present, with a greater use of electronic communications."

The report has now been passed to the National Patient Safety Agency for consultation on how best to implement the recommendations.

Susan Mayor *London*

Report of the Ad Hoc Advisory Group on the Operation of NHS Research Ethics Committees is available at www.dh.gov.uk/PolicyAndGuidance/ResearchAndDevelopment/fs/en.

GMC hearing opens into doctor at centre of organ retention scandal

The General Medical Council has begun its long delayed hearing into the case of pathologist Dick van Velzen, who illegally kept thousands of children's organs at Liverpool's Alder Hey Children's Hospital.

Professor van Velzen was not present as the hearing opened this week and sent no representative. He is currently living in his native Netherlands. The GMC Fitness to Practise Panel in Manchester heard that Professor van Velzen had told a solicitor for the GMC in 2002 that he was "not the least bit interested in receiving information about GMC proceedings."

An independent inquiry led by Michael Redfern QC concluded in 2001 that Professor van Velzen had "systematically, illegally, and unethically" taken organs from hundreds of children. But Professor van Velzen has always maintained that he was made a scapegoat for systemic failures because he is a foreigner.

The GMC reactivated its inquiry against him in December, after the Crown Prosecution Service announced that "there was no prospect of being able to establish that a criminal offence had been committed."

If found guilty of serious professional misconduct, Professor van Velzen could be struck off the UK medical register. Regulatory authorities in other countries would be notified and could take discretionary action of their own.

Owen Dyer *London*

Canadian Red Cross apologises for distributing HIV infected blood

The Canadian Red Cross has apologised for its role in what has been termed Canada's worst public health scandal, which resulted in thousands of patients being infected with HIV and hepatitis C.

The Red Cross's chief executive officer, Pierre Duplessis, made the apology in a videotape shown in court, in which the organisation was fined \$C5000 (£2200; \$4000; €3300) after it pleaded guilty to a charge of violating the Food and Drug Regulation Act for distributing a contaminated product.

"The Canadian Red Cross society is deeply sorry for the injury and death...for the suffering caused to families and loved ones of those who were harmed. We accept responsibility through our plea for having distributed harmful products for those that rely on us for their health," he said.

Mike McCarthy, spokesman for the Canadian Hemophilia Society, was not satisfied with the apology: "How can anyone be satisfied? Thousands of people lost their lives."

As part of its plea bargain, the Red Cross agreed to give \$C1.5m to the University of Ottawa for a scholarship for the family members of those affected and for a research endowment fund. Criminal charges against the Red Cross's former director of blood transfusions, three other doctors, and the New Jersey based Armour Pharmaceutical Company, were dropped as part of the agreement.

David Spurgeon *Quebec*

Loss of tobacco suit means 120 other cases will be dropped

Clare Dyer *legal correspondent, BMJ*

The widow of a man who died from lung cancer lost a battle against Imperial Tobacco that had lasted more than a decade in the Scottish courts last week. The case is almost certain to be the last attempt for some time to sue over injuries related to tobacco in the UK courts.

At the Court of Session, in Edinburgh, the judge, Nimmo Smith, comprehensively rejected a claim by Margaret McTear that the company should be liable to pay compensation for the death of her husband, Alfred, in 1993 at the age of 48. Mr McTear, a 60 a day smoker, had launched the case himself but his widow carried it on after his death. He died seven days after giving evidence from his sick bed.

In a marathon 350 000 word judgment, which took him 15 months to write, the judge ruled that to succeed Mrs McTear not only had to prove that Imperial Tobacco had caused or substantially contributed to her husband's death, but that the burden was on her to prove even the basic premise that smoking causes lung cancer. The company had not admitted this, and it could not be assumed, he said.

The tobacco industry has been forced to pay out billions of dollars in the United States.

In the United Kingdom, legal aid authorities refuse to fund tobacco litigation, rating the chances of success as too low to justify the huge outlay in costs.

That leaves "no win, no fee" deals as the only viable method of funding. But lawyers have been reluctant to take on such cases since a group action by 50 people with lung cancer in England collapsed in 1999, losing the lawyers who backed it on a no win, no fee basis £2m in fees and costing them hundreds of thousands of pounds in out of pocket expenses.

The case collapsed when the judge, Mr Justice Wright, ruled that most of the claims had been launched too long after the original diagnosis of lung cancer. He refused to exercise his discretion to allow them to go ahead anyway, describing them as "speculative."

In Scotland, Mrs McTear's solicitor, Cameron Fyfe, decided it would be a manageable exercise to go ahead on a no win, no fee basis with just one case, her husband's. Another 120 that had been awaiting the outcome will now be dropped.

The McTears' lawyers argued that before 1971, when warnings appeared on cigarette packets, the tobacco companies knew or ought to have known that smoking cigarettes was injurious to health, but failed to warn consumers. By 1971, Mr McTear was addicted and unable to stop. But the judge ruled that Mr McTear, like the public in general, was aware of the publicity about the dangers of smoking when he started smoking John Player cigarettes, but chose to ignore it. □



ANDREW MILLIGAN/PA/EMPICS

Judge ruled that Margaret McTear (above) had to prove that smoking causes lung cancer